



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 18 2004

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

**BY FACSIMILE AND  
FIRST CLASS MAIL**

The Honorable Felix P. Camacho  
Governor of the Territory of Guam  
P.O. Box 2950  
Hagatna, GU 22439

Re: Request for Exercise of Enforcement Discretion for Gasoline Sulfur Regulations  
for the Territory of Guam

Dear Governor Camacho:


I am writing in response to the request by the Environmental Protection Agency (EPA) Region 9, on behalf of the Territory of Guam, that the Office of Enforcement and Compliance Assurance (OECA) exercise its discretion not to enforce 40 C.F.R. part 80, subpt. H (Gasoline Sulfur Regulations) in Guam, during the period of time it takes EPA's Office of Air and Radiation (OAR) to complete the promulgation of a rule exempting Guam from the Gasoline Sulfur Regulations.

OAR has concluded that the use of gasoline that does not comply with the Gasoline Sulfur Regulations in Guam would not result in adverse environmental effects. For this and other reasons, OAR has committed to issue a rule to exempt American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) from the Gasoline Sulfur Regulations. Moreover, OAR believes that this exercise of enforcement discretion will help to ensure an adequate supply of gasoline to your area during this period due to the potential unavailability, based on your geographic location, of a low sulfur supply of gasoline.

Accordingly, I am approving this "no action assurance" to bridge the gap between the current requirements of the Gasoline Sulfur Regulations and OAR's finalization of a rule exempting Guam from the Gasoline Sulfur Rule. OECA will exercise its enforcement discretion to allow regulated parties to supply gasoline that does not comply with the Gasoline Sulfur Regulations to Guam effective immediately until November 1, 2005, or until the exemption by rule is finalized, whichever is earlier.

If you have questions, please call Mr. Adam M. Kushner, Acting Director of the Air Enforcement Division, at (202) 564-7979.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom Skinner', written over the closing 'yours,'.

Thomas V. Skinner  
Acting Assistant Administrator

cc: Jeffrey Holmstead  
Assistant Administrator  
Office of Air and Radiation  
202-501-0986 (FAX)

Wayne H. Nastri,  
Regional Administrator  
Region 9  
415-947-3588 (FAX)

Fred M. Castro  
Administrator  
Guam Environmental Protection Agency  
P.O. Box 22439  
Barrigada, GU 96921  
671-477-9402 (FAX)

American Petroleum Institute  
202-682-8031 (FAX)

National Petroleum Refiners Association  
202-457-0486 (FAX)

Petroleum Marketers Association of America  
703-351-9160 (FAX)